



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466

June 28, 2004

Ref: 8ENF-W

CERTIFIED MAIL 7003 2260 0001 7777 9242  
RETURN RECEIPT REQUESTED

Kevin Brown, Director  
Division of Drinking Water  
Utah Department of  
Environmental Quality  
P.O. Box 144810  
Salt Lake City, UT 84114-4810

NOTICE OF VIOLATION

Docket No. **SDWA-08-2004-0032**

Forest Garden Subdivision  
Salt Lake City, Utah 84121  
PWS #UT4901407

Dear Mr. Brown:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of exceeding the bacteriological maximum contaminant level (MCL), failure to monitor bacteriological quality and nitrate, failure to provide public notice of the violations, and failure to notify the State of the violations. Our records, obtained from the Utah Department of Environmental Quality (DEQ), indicate the violations noted below. Please notify Kathelene Brainich of my staff at (303) 312-6481 within 20 days if your records show any discrepancies with these determinations of violation.

Date of  
Violation

Violation

1999-2003	Failure to provide public notice of violations
1999-2003	Failure to report violations to the State
July 2002	Bacteriological MCL
June 2001	

September 2000  
September 1999  
August 1999

3<sup>rd</sup> quarter 2003      Failure to monitor for bacteriological quality  
2<sup>nd</sup> quarter 2003      (seasonal, only open May-September)

July 2002              Failure to take 4 repeat samples after a total  
June 2001              coliform positive sample  
September 2001  
September 2000  
May 2000  
September 1999  
August 1999  
July 1999

August 2002            Failure to take 5 routine total coliform  
May 2002              samples after a positive total coliform sample  
July 2001              the preceding month  
May 2001  
June 2000  
May 2000  
August 1999

2003                    Failure to monitor for nitrate

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kathelene Brainich at (303) 312-6481.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the Respondent is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet

containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate a Respondent's responsibility to comply with the Act, nor does it create any new defenses under the law.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

**SIGNED**

David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

cc: Doug Haycock, Forest Garden Subdivision  
Ken Bousfield, UT DEQ DW

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON  
JUNE 28, 2004.**